

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
Malik Fryar,

Plaintiff,

-against-

Case No. 10-cv-05879 (TLM)

Robert Zhen, Matthew Kokoruda,
Tyler Kalman, Peter Kessler

Defendants,

----- X

JURY VERDICT FORM

1a. Do you find in favor of the plaintiff on his federal law false arrest claim and New York state law false imprisonment claim as to any of the defendants?

Officer Robert Zhen	<u>X</u> Yes	___ No
Officer Matthew Kokoruda	___ Yes	<u>X</u> No
Officer Tyler Kalman	___ Yes	<u>X</u> No
Officer Peter Kessler	<u>X</u> Yes	___ No

If you answered "No" to Question 1a as to all defendants, proceed to Question 2a. If you answered "Yes" to Question 1a as to any of the defendants, answer Question 1b and then proceed to Question 2a.

1b. What amount of compensatory damages do you award to plaintiff under his false arrest and false imprisonment claims?

\$ 100.00

2a. Do you find in favor of the plaintiff on his federal law excessive force claim as to any of the following defendants?

Officer Matthew Kokoruda	___ Yes	<u>X</u> No
Officer Tyler Kalman	___ Yes	<u>X</u> No
Officer Peter Kessler	___ Yes	<u>X</u> No

If you answered "No" to Question 2a as to all defendants, proceed to Question 3a. If you answered "Yes" to Question 2a as to any of the defendants, answer Question 2b and then proceed to Question

3a.

2b. What amount of compensatory or nominal damages do you award to plaintiff under his excessive force claim?

\$ _____

3a. Do you find in favor of the plaintiff on his federal law failure to intervene claim against any of the defendants?

Officer Robert Zhen	_____ Yes	<u>✓</u> No
Officer Matthew Kokoruda	_____ Yes	<u>✓</u> No
Officer Tyler Kalman	_____ Yes	<u>✓</u> No
Officer Peter Kessler	_____ Yes	<u>✓</u> No

If you answered "No" to Question 3a as to all defendants, proceed to Question 4a. If you answered "Yes" to Question 3a as to any of the defendants, answer Question 3b and then proceed to Question 4a.

3b. What amount of compensatory or nominal damages do you award to plaintiff under his failure to intervene claim?

\$ _____

4a. Do you find in favor of the plaintiff on his New York state law assault claim against any of the defendants?

Officer Robert Zhen	_____ Yes	<u>✓</u> No
Officer Matthew Kokoruda	_____ Yes	<u>✓</u> No
Officer Tyler Kalman	_____ Yes	<u>✓</u> No
Officer Peter Kessler	_____ Yes	<u>✓</u> No

If you answered "No" to Question 4a as to all defendants, proceed to Question 5a. If you answered "Yes" to Question 4a as to any of the defendants, answer Question 4b and then proceed to Question 5a.

4b. What amount of compensatory or nominal damages do you award to plaintiff under his assault claim?

\$ _____

5a. Do you find in favor of the plaintiff on his New York state law battery claim against any of the following defendants?

Officer Matthew Kokoruda	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Officer Tyler Kalman	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Officer Peter Kessler	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered "Yes" to Question 5a as to any of the defendants, answer Question 5b.

5b. What amount of compensatory or nominal damages do you award to plaintiff under his battery claim?

\$ _____

If you answered "No" to Questions 1a, 2a, 3a, 4a, and 5a as to all of the defendants, stop; you have reached a verdict. Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict. If you answered "Yes" to Question 1a, 2a, 3a, 4a, or 5a as to any of the defendants, answer Questions 6, 7, and 8.

6. Do you find by a preponderance of the evidence that plaintiff obstructed vehicular or pedestrian traffic?

☐ Yes ☒ No

7. Do you find by a preponderance of the evidence that plaintiff engaged in a course of conduct that caused alarm or seriously annoyed another person?

☐ Yes ☒ No

8. Do you find by a preponderance of the evidence that plaintiff resisted arrest?

☒ Yes ☐ No

Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

/s/

FOREPERSON

September 22, 2011
Brooklyn, NY